

**BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation )  
Against: )

**GEORGE PETER TARDELLI, M.D.** )

File No. 17-2009-202315

Physician's and Surgeon's )  
Certificate No. G 43528 )

Respondent )  
\_\_\_\_\_ )

**DECISION**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted as the Decision and Order of the Medical Board of California, Department of Consumer Affairs, State of California.

This Decision shall become effective at 5:00 p.m. on **December 9, 2011.**

IT IS SO ORDERED **November 9, 2011.**

MEDICAL BOARD OF CALIFORNIA

By: \_\_\_\_\_

**Hedy Chang**

Chair, Panel B

1 KAMALA D. HARRIS  
Attorney General of California  
2 GLORIA L. CASTRO  
Supervising Deputy Attorney General  
3 EDWARD K. KIM  
Deputy Attorney General  
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*Attorneys for Complainant*

8 **BEFORE THE**  
9 **MEDICAL BOARD OF CALIFORNIA**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

Case No. 17-2009-202315

13 **GEORGE PETER TARDELLI, M.D.**  
9240 Garden Grove Blvd., Ste. 15  
14 Garden Grove, CA 92844

OAH No. 2011031279

15 **Physician's and Surgeon's Certificate**  
16 **No. G43528,**

**STIPULATED SETTLEMENT AND  
DISCIPLINARY ORDER**

Respondent.

17 IT IS HEREBY STIPULATED AND AGREED by and between the parties to the above-  
18 entitled proceedings that the following matters are true:

19 PARTIES

20 1. Linda K. Whitney (Complainant) is the Executive Director of the Medical Board of  
21 California. She brought this action solely in her official capacity and is represented in this matter  
22 by Kamala D. Harris, Attorney General of the State of California, by Edward K. Kim, Deputy  
23 Attorney General.

24 2. Respondent George Peter Tardelli, M.D. (Respondent) is represented in this  
25 proceeding by attorney Courtney E. Pilchman, Esq., whose address is: 2030 Main Street, Suite  
26 1300, Irvine, CA 92614

27 3. On or about October 6, 1980, the Medical Board of California issued Physician's and  
28 Surgeon's Certificate No. G43528 to Respondent. The Physician's and Surgeon's Certificate was

1 in full force and effect at all times relevant to the charges brought in Accusation No. 17-2009-  
2 202315 and will expire on April 30, 2012, unless renewed.

3 JURISDICTION

4 4. Accusation No. 17-2009-202315 was filed before the Medical Board of California  
5 (Board), Department of Consumer Affairs, and is currently pending against Respondent. The  
6 Accusation and all other statutorily required documents were properly served on Respondent on  
7 August 10, 2011. Respondent timely filed his Notice of Defense contesting the Accusation. A  
8 copy of Accusation No. 17-2009-202315 is attached as exhibit A and incorporated herein by  
9 reference.

10 ADVISEMENT AND WAIVERS

11 5. Respondent has carefully read, fully discussed with counsel, and understands the  
12 charges and allegations in Accusation No. 17-2009-202315. Respondent has also carefully read,  
13 fully discussed with counsel, and understands the effects of this Stipulated Settlement and  
14 Disciplinary Order.

15 6. Respondent is fully aware of his legal rights in this matter, including the right to a  
16 hearing on the charges and allegations in the Accusation; the right to be represented by counsel at  
17 his own expense; the right to confront and cross-examine the witnesses against him; the right to  
18 present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel  
19 the attendance of witnesses and the production of documents; the right to reconsideration and  
20 court review of an adverse decision; and all other rights accorded by the California  
21 Administrative Procedure Act and other applicable laws.

22 7. Respondent voluntarily, knowingly, and intelligently waives and gives up each and  
23 every right set forth above.

24 CULPABILITY

25 8. Respondent admits the truth of each and every charge and allegation in Accusation  
26 No. 17-2009-202315.

27 9. Respondent agrees that his Physician's and Surgeon's Certificate is subject to  
28 discipline and he agrees to be bound by the Board's probationary terms as set forth in the

1 Disciplinary Order below.

2 CONTINGENCY

3 10. This stipulation shall be subject to approval by the Medical Board of California.  
4 Respondent understands and agrees that counsel for Complainant and the staff of the Medical  
5 Board of California may communicate directly with the Board regarding this stipulation and  
6 settlement, without notice to or participation by Respondent or his counsel. By signing the  
7 stipulation, Respondent understands and agrees that he may not withdraw his agreement or seek  
8 to rescind the stipulation prior to the time the Board considers and acts upon it. If the Board fails  
9 to adopt this stipulation as its Decision and Order, the Stipulated Settlement and Disciplinary  
10 Order shall be of no force or effect, except for this paragraph, it shall be inadmissible in any legal  
11 action between the parties, and the Board shall not be disqualified from further action by having  
12 considered this matter.

13 11. The parties understand and agree that facsimile copies of this Stipulated Settlement  
14 and Disciplinary Order, including facsimile signatures thereto, shall have the same force and  
15 effect as the originals.

16 12. In consideration of the foregoing admissions and stipulations, the parties agree that  
17 the Board may, without further notice or formal proceeding, issue and enter the following  
18 Disciplinary Order:

19 DISCIPLINARY ORDER

20 IT IS HEREBY ORDERED that Physician's and Surgeon's Certificate No. G43528 issued  
21 to Respondent George Peter Tardelli, M.D. is revoked. However, the revocation is stayed and  
22 Respondent is placed on probation for five (5) years on the following terms and conditions.

23 1. CONTROLLED SUBSTANCES - PARTIAL RESTRICTION Respondent shall not  
24 order, prescribe, dispense, administer, or possess any controlled substances as defined by the  
25 California Uniform Controlled Substances Act, except for those drugs listed in Schedule(s) III, IV  
26 and V of the Act.

27 Respondent shall not issue an oral or written recommendation or approval to a patient or a  
28 patient's primary caregiver for the possession or cultivation of marijuana for the personal medical

1 purposes of the patient within the meaning of Health and Safety Code section 11362.5. If  
2 respondent forms the medical opinion, after an appropriate prior examination, that a patient's  
3 medical condition may benefit from the use of marijuana, respondent shall so inform the patient  
4 and shall refer the patient to another physician who, following an appropriate prior examination,  
5 may independently issue a medically appropriate recommendation or approval for the possession  
6 or cultivation of marijuana for the personal medical purposes of the patient within the meaning of  
7 Health and Safety Code section 11362.5. In addition, respondent shall inform the patient or the  
8 patient's primary caregiver that respondent is prohibited from issuing a recommendation or  
9 approval for the possession or cultivation of marijuana for the personal medical purposes of the  
10 patient, and that the patient or the patient's primary caregiver may not rely on respondent's  
11 statements to legally possess or cultivate marijuana for the personal medical purposes of the  
12 patient. Respondent shall fully document in the patient's chart that the patient or the patient's  
13 primary caregiver was so informed. Nothing in this condition prohibits respondent from  
14 providing the patient or the patient's primary caregiver information about the possible medical  
15 benefits resulting from the use of marijuana.

16 Respondent shall immediately surrender respondent's current DEA permit to the Drug  
17 Enforcement Administration for cancellation and reapply for a new DEA permit limited to those  
18 Schedules authorized by this order. Within 15 calendar days after the effective date of this  
19 Decision, respondent shall submit proof that respondent has surrendered respondent's DEA  
20 permit to the Drug Enforcement Administration for cancellation and reissuance. Within 15  
21 calendar days after the effective date of issuance of a new DEA permit, the respondent shall  
22 submit a true copy of the permit to the Division or its designee.

23 2. CONTROLLED SUBSTANCES - MAINTAIN RECORDS AND ACCESS TO  
24 RECORDS AND INVENTORIES Respondent shall maintain a record of all controlled  
25 substances ordered, prescribed, dispensed, administered or possessed by respondent, and any  
26 recommendation or approval which enables a patient or patient's primary caregiver to possess or  
27 cultivate marijuana for the personal medical purposes of the patient within the meaning of Health  
28 and Safety Code section 11362.5, during probation, showing all the following: 1) the name and

1 address of the patient; 2) the date; 3) the character and quantity of controlled substances involved;  
2 and 4) the indications and diagnoses for which the controlled substance was furnished.

3 Respondent shall keep these records in a separate file or ledger, in chronological order. All  
4 records and any inventories of controlled substances shall be available for immediate inspection  
5 and copying on the premises by the Division or its designee at all times during business hours and  
6 shall be retained for the entire term of probation.

7 Failure to maintain all records, to provide immediate access to the inventory, or to make all  
8 records available for immediate inspection and copying on the premises, is a violation of  
9 probation.

10 3. CONTROLLED SUBSTANCES - ABSTAIN FROM USE Respondent shall abstain  
11 completely from the personal use or possession of controlled substances as defined in the  
12 California Uniform Controlled Substances Act, dangerous drugs as defined by Business and  
13 Professions Code section 4022, and any drugs requiring a prescription. This prohibition does not  
14 apply to medications lawfully prescribed to respondent by another practitioner for a bona fide  
15 illness or condition.

16 Within 15 calendar days of receiving any lawful prescription medications, respondent shall  
17 notify the Division or its designee of the: issuing practitioner's name, address, and telephone  
18 number; medication name and strength; and issuing pharmacy name, address, and telephone  
19 number.

20 4. ALCOHOL - ABSTAIN FROM USE Respondent shall abstain completely from the  
21 use of products or beverages containing alcohol.

22 5. BIOLOGICAL FLUID TESTING Respondent shall immediately submit to  
23 biological fluid testing, at respondent's expense, upon the request of the Division or its designee.  
24 A certified copy of any laboratory test results may be received in evidence in any proceedings  
25 between the Board and the respondent. Failure to submit to, or failure to complete the required  
26 biological fluid testing, is a violation of probation.

27 6. PRESCRIBING PRACTICES COURSE Within 60 calendar days of the effective  
28 date of this Decision, respondent shall enroll in a course in prescribing practices, at respondent's

1 expense, approved in advance by the Division or its designee. Failure to successfully complete  
2 the course during the first 6 months of probation is a violation of probation.

3 A prescribing practices course taken after the acts that gave rise to the charges in the  
4 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the  
5 Division or its designee, be accepted towards the fulfillment of this condition if the course would  
6 have been approved by the Division or its designee had the course been taken after the effective  
7 date of this Decision.

8 Respondent shall submit a certification of successful completion to the Division or its  
9 designee not later than 15 calendar days after successfully completing the course, or not later than  
10 15 calendar days after the effective date of the Decision, whichever is later.

11 7. MEDICAL RECORD KEEPING COURSE Within 60 calendar days of the effective  
12 date of this decision, respondent shall enroll in a course in medical record keeping, at  
13 respondent's expense, approved in advance by the Division or its designee. Failure to  
14 successfully complete the course during the first 6 months of probation is a violation of probation.

15 A medical record keeping course taken after the acts that gave rise to the charges in the  
16 Accusation, but prior to the effective date of the Decision may, in the sole discretion of the  
17 Division or its designee, be accepted towards the fulfillment of this condition if the course would  
18 have been approved by the Division or its designee had the course been taken after the effective  
19 date of this Decision.

20 Respondent shall submit a certification of successful completion to the Division or its  
21 designee not later than 15 calendar days after successfully completing the course, or not later than  
22 15 calendar days after the effective date of the Decision, whichever is later.

23 8. ETHICS COURSE Within 60 calendar days of the effective date of this Decision,  
24 respondent shall enroll in a course in ethics, at respondent's expense, approved in advance by the  
25 Division or its designee. Failure to successfully complete the course during the first year of  
26 probation is a violation of probation.

27 An ethics course taken after the acts that gave rise to the charges in the Accusation, but  
28 prior to the effective date of the Decision may, in the sole discretion of the Division or its

1 designee, be accepted towards the fulfillment of this condition if the course would have been  
2 approved by the Division or its designee had the course been taken after the effective date of this  
3 Decision.

4 Respondent shall submit a certification of successful completion to the Division or its  
5 designee not later than 15 calendar days after successfully completing the course, or not later than  
6 15 calendar days after the effective date of the Decision, whichever is later.

7 9. PSYCHIATRIC EVALUATION Within 30 calendar days of the effective date of  
8 this Decision, and on whatever periodic basis thereafter may be required by the Division or its  
9 designee, respondent shall undergo and complete a psychiatric evaluation (and psychological  
10 testing, if deemed necessary) by a Division-appointed board certified psychiatrist, who shall  
11 consider any information provided by the Division or designee and any other information the  
12 psychiatrist deems relevant, and shall furnish a written evaluation report to the Division or its  
13 designee. Psychiatric evaluations conducted prior to the effective date of the Decision shall not  
14 be accepted towards the fulfillment of this requirement. Respondent shall pay the cost of all  
15 psychiatric evaluations and psychological testing.

16 Respondent shall comply with all restrictions or conditions recommended by the evaluating  
17 psychiatrist within 15 calendar days after being notified by the Division or its designee. Failure  
18 to undergo and complete a psychiatric evaluation and psychological testing, or comply with the  
19 required additional conditions or restrictions, is a violation of probation.

20 10. PSYCHOTHERAPY If ongoing treatment is recommended by the evaluating  
21 psychiatrist pursuant to condition 9 above, respondent shall, within 30 calendar days of after  
22 being notified by the Division or its designee, submit to the Division or its designee for prior  
23 approval the name and qualifications of a board certified psychiatrist or a licensed psychologist  
24 who has a doctoral degree in psychology and at least five years of postgraduate experience in the  
25 diagnosis and treatment of emotional and mental disorders. Upon approval, respondent shall  
26 undergo and continue treatment, including any modifications to the frequency of psychotherapy,  
27 until the Division or its designee deems that no further psychotherapy is necessary.

28 The psychotherapist shall consider any information provided by the Division or its designee



1 and any other information the psychotherapist deems relevant and shall furnish a written  
2 evaluation report to the Division or its designee. Respondent shall cooperate in providing the  
3 psychotherapist any information and documents that the psychotherapist may deem pertinent.  
4 Respondent shall have the treating psychotherapist submit quarterly status reports to the Division  
5 or its designee. The Division or its designee may require respondent to undergo psychiatric  
6 evaluations by a Division-appointed board certified psychiatrist.

7 If, prior to the completion of probation, respondent is found to be mentally unfit to resume  
8 the practice of medicine without restrictions, the Division shall retain continuing jurisdiction over  
9 respondent's license, and the period of probation shall be extended until the Division determines  
10 that respondent is mentally fit to resume the practice of medicine without restrictions.

11 Respondent shall pay the cost of all psychotherapy and psychiatric evaluations.

12 Failure to undergo and continue psychotherapy treatment, or comply with any required  
13 modification in the frequency of psychotherapy, is a violation of probation.

14 11. MEDICAL EVALUATION AND TREATMENT Within 30 calendar days of the  
15 effective date of this Decision, and on a periodic basis thereafter as may be required by the  
16 Division or its designee, respondent shall undergo a medical evaluation by a Division-appointed  
17 physician who shall consider any information provided by the Division or designee, and any other  
18 information the evaluating physician deems relevant, and shall furnish a medical report to the  
19 Division or its designee.

20 Following the evaluation, respondent shall comply with all restrictions or conditions  
21 recommended by the evaluating physician within 15 calendar days after being notified by the  
22 Division or its designee.

23 If respondent is required by the Division or its designee to undergo medical treatment,  
24 respondent shall, within 30 calendar days of the requirement notice, submit to the Division or its  
25 designee for prior approval the name and qualifications of a treating physician of respondent's  
26 choice. Upon approval of the treating physician, respondent shall within 15 calendar days  
27 undertake medical treatment and shall continue such treatment until further notice from the  
28 Division or its designee.

1 The treating physician shall consider any information provided by the Division or its  
2 designee or any other information the treating physician may deem pertinent prior to  
3 commencement of treatment. Respondent shall have the treating physician submit quarterly  
4 reports to the Division or its designee indicating whether or not the respondent is capable of  
5 practicing medicine safely. Respondent shall provide the Division or its designee with any and  
6 all medical records pertaining to treatment that the Division or its designee deems necessary.

7 If, prior to the completion of probation, respondent is found to be physically incapable of  
8 resuming the practice of medicine without restrictions, the Division shall retain continuing  
9 jurisdiction over respondent's license, and the period of probation shall be extended until the  
10 Division determines that respondent is physically capable of resuming the practice of medicine  
11 without restrictions. Respondent shall pay the cost of the medical evaluation(s) and treatment.

12 Failure to undergo and continue medical treatment or comply with the required additional  
13 conditions or restrictions is a violation of probation.

14 12. SOLO PRACTICE Respondent is prohibited from engaging in the solo practice of  
15 medicine.

16 13. NOTIFICATION Prior to engaging in the practice of medicine, the respondent shall  
17 provide a true copy of the Decision(s) and Accusation(s) to the Chief of Staff or the Chief  
18 Executive Officer at every hospital where privileges or membership are extended to respondent,  
19 at any other facility where respondent engages in the practice of medicine, including all physician  
20 and locum tenens registries or other similar agencies, and to the Chief Executive Officer at every  
21 insurance carrier which extends malpractice insurance coverage to respondent. Respondent shall  
22 submit proof of compliance to the Division or its designee within 15 calendar days.

23 This condition shall apply to any change(s) in hospitals, other facilities or insurance carrier.

24 14. SUPERVISION OF PHYSICIAN ASSISTANTS During probation, respondent is  
25 prohibited from supervising physician assistants.

26 15. OBEY ALL LAWS Respondent shall obey all federal, state and local laws, all rules  
27 governing the practice of medicine in California, and remain in full compliance with any court  
28 ordered criminal probation, payments and other orders.

1       16. QUARTERLY DECLARATIONS Respondent shall submit quarterly declarations  
2 under penalty of perjury on forms provided by the Division, stating whether there has been  
3 compliance with all the conditions of probation. Respondent shall submit quarterly declarations  
4 not later than 10 calendar days after the end of the preceding quarter.

5       17. PROBATION UNIT COMPLIANCE Respondent shall comply with the Division's  
6 probation unit. Respondent shall, at all times, keep the Division informed of respondent's  
7 business and residence addresses. Changes of such addresses shall be immediately  
8 communicated in writing to the Division or its designee. Under no circumstances shall a post  
9 office box serve as an address of record, except as allowed by Business and Professions Code  
10 section 2021(b).

11       Respondent shall not engage in the practice of medicine in respondent's place of residence.  
12 Respondent shall maintain a current and renewed California physician's and surgeon's license.

13       Respondent shall immediately inform the Division, or its designee, in writing, of travel to  
14 any areas outside the jurisdiction of California which lasts, or is contemplated to last, more than  
15 30 calendar days.

16       18. INTERVIEW WITH THE DIVISION, OR ITS DESIGNEE Respondent shall be  
17 available in person for interviews either at respondent's place of business or at the probation unit  
18 office, with the Division or its designee, upon request at various intervals, and either with or  
19 without prior notice throughout the term of probation.

20       19. RESIDING OR PRACTICING OUT-OF-STATE In the event respondent should  
21 leave the State of California to reside or to practice, respondent shall notify the Division or its  
22 designee in writing 30 calendar days prior to the dates of departure and return. Non-practice is  
23 defined as any period of time exceeding 30 calendar days in which respondent is not engaging in  
24 any activities defined in Sections 2051 and 2052 of the Business and Professions Code.

25       All time spent in an intensive training program outside the State of California which has  
26 been approved by the Division or its designee shall be considered as time spent in the practice of  
27 medicine within the State. A Board-ordered suspension of practice shall not be considered as a  
28 period of non-practice. Periods of temporary or permanent residence or practice outside

1 California will not apply to the reduction of the probationary term. Periods of temporary or  
2 permanent residence or practice outside California will relieve respondent of the responsibility to  
3 comply with the probationary terms and conditions with the exception of this condition and the  
4 following terms and conditions of probation: Obey All Laws; Probation Unit Compliance; and  
5 Cost Recovery.

6 Respondent's license shall be automatically cancelled if respondent's periods of temporary  
7 or permanent residence or practice outside California total two years. However, respondent's  
8 license shall not be cancelled as long as respondent is residing and practicing medicine in another  
9 state of the United States and is on active probation with the medical licensing authority of that  
10 state, in which case the two year period shall begin on the date probation is completed or  
11 terminated in that state.

#### 12 20. FAILURE TO PRACTICE MEDICINE - CALIFORNIA RESIDENT

13 In the event respondent resides in the State of California and for any reason respondent  
14 stops practicing medicine in California, respondent shall notify the Division or its designee in  
15 writing within 30 calendar days prior to the dates of non-practice and return to practice. Any  
16 period of non-practice within California, as defined in this condition, will not apply to the  
17 reduction of the probationary term and does not relieve respondent of the responsibility to comply  
18 with the terms and conditions of probation. Non-practice is defined as any period of time  
19 exceeding 30 calendar days in which respondent is not engaging in any activities defined in  
20 sections 2051 and 2052 of the Business and Professions Code.

21 All time spent in an intensive training program which has been approved by the Division or  
22 its designee shall be considered time spent in the practice of medicine. For purposes of this  
23 condition, non-practice due to a Board-ordered suspension or in compliance with any other  
24 condition of probation, shall not be considered a period of non-practice.

25 Respondent's license shall be automatically cancelled if respondent resides in California  
26 and for a total of two years, fails to engage in California in any of the activities described in  
27 Business and Professions Code sections 2051 and 2052.

28 21. COMPLETION OF PROBATION Respondent shall comply with all financial

obligations (e.g., cost recovery, restitution, probation costs) not later than 120 calendar days prior to the completion of probation. Upon successful completion of probation, respondent's certificate shall be fully restored.

22. VIOLATION OF PROBATION Failure to fully comply with any term or condition of probation is a violation of probation. If respondent violates probation in any respect, the Division, after giving respondent notice and the opportunity to be heard, may revoke probation and carry out the disciplinary order that was stayed. If an Accusation, Petition to Revoke Probation, or an Interim Suspension Order is filed against respondent during probation, the Division shall have continuing jurisdiction until the matter is final, and the period of probation shall be extended until the matter is final.

23. LICENSE SURRENDER Following the effective date of this Decision, if respondent ceases practicing due to retirement, health reasons or is otherwise unable to satisfy the terms and conditions of probation, respondent may request the voluntary surrender of respondent's license. The Division reserves the right to evaluate respondent's request and to exercise its discretion whether or not to grant the request, or to take any other action deemed appropriate and reasonable under the circumstances. Upon formal acceptance of the surrender, respondent shall within 15 calendar days deliver respondent's wallet and wall certificate to the Division or its designee and respondent shall no longer practice medicine. Respondent will no longer be subject to the terms and conditions of probation and the surrender of respondent's license shall be deemed disciplinary action. If respondent re-applies for a medical license, the application shall be treated as a petition for reinstatement of a revoked certificate.

24. PROBATION MONITORING COSTS Respondent shall pay the costs associated with probation monitoring each and every year of probation, as designated by the Division, which may be adjusted on an annual basis. Such costs shall be payable to the Medical Board of California and delivered to the Division or its designee no later than January 31 of each calendar year. Failure to pay costs within 30 calendar days of the due date is a violation of probation.

///

1 ACCEPTANCE

2 I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully  
3 discussed it with my attorney, Courtney E. Pilchman. I understand the stipulation and the effect it  
4 will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and  
5 Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the  
6 Decision and Order of the Medical Board of California.

7  
8 DATED: \_\_\_\_\_

9 GEORGE PETER TARDELLI, M.D.  
Respondent

10 I have read and fully discussed with Respondent George Peter Tardelli, M.D. the terms and  
11 conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order.  
12 I approve its form and content.

13 DATED: \_\_\_\_\_

14 COURTNEY E. PILCHMAN  
Attorney for Respondent

15  
16 ENDORSEMENT

17 The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully  
18 submitted for consideration by the Medical Board of California of the Department of Consumer  
19 Affairs.

20 9-26  
21 Dated: August \_\_, 2011

Respectfully submitted,

22 KAMALA D. HARRIS  
Attorney General of California  
23 GLORIA L. CASTRO  
Supervising Deputy Attorney General

24 

25 EDWARD K. KIM  
26 Deputy Attorney General  
Attorneys for Complainant

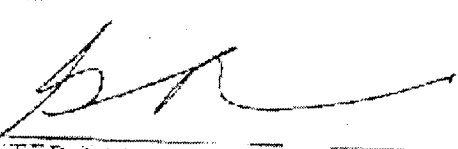
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ACCEPTANCE


I have carefully read the above Stipulated Settlement and Disciplinary Order and have fully discussed it with my attorney, Courtney E. Pilchman. I understand the stipulation and the effect it will have on my Physician's and Surgeon's Certificate. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly, and intelligently, and agree to be bound by the Decision and Order of the Medical Board of California.

DATED: 13 SEPTEMBER 2011

  
\_\_\_\_\_  
GEORGE PETER TARDELLI, M.D.  
Respondent

I have read and fully discussed with Respondent George Peter Tardelli, M.D. the terms and conditions and other matters contained in the above Stipulated Settlement and Disciplinary Order. I approve its form and content.

DATED: 9-26-11

  
\_\_\_\_\_  
COURTNEY E. PILCHMAN  
Attorney for Respondent

ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Medical Board of California of the Department of Consumer Affairs.

Dated: August \_\_, 2011

Respectfully submitted,

KAMALA D. HARRIS  
Attorney General of California  
GLORIA L. CASIRO  
Supervising Deputy Attorney General

EDWARD K. KIM  
Deputy Attorney General  
Attorneys for Complainant

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**Exhibit A**

**Accusation No. 17-2009-202315**



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*Attorneys for Complainant*

BEFORE THE  
MEDICAL BOARD OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation Against:

Case No. 17-2009-202315

GEORGE TARDELLI, M.D.  
9240 Garden Grove Boulevard, Suite 15  
Garden Grove, California 92844

OAH No.

ACCUSATION

Physician's and Surgeon's Certificate  
No. G 43528

Respondent.

Complainant alleges:

PARTIES

1. Linda K. Whitney (Complainant) brings this Accusation solely in her official capacity as the Executive Director of the Medical Board of California, Department of Consumer Affairs (Board).<sup>1</sup>

2. On or about October 6, 1980, the Board issued Physician's and Surgeon's Certificate Number G 43528 to George Tardelli, M.D. (Respondent). That license was in full force and effect at all times relevant to the charges brought herein and will expire on April 30, 2012, unless renewed.

<sup>1</sup> Pursuant to Business and Professions Code section 2002, "Division of Medical Quality" or "Division" shall be deemed to refer to the Medical Board of California.

## JURISDICTION

3. This Accusation is brought before the Board under the authority of the following laws. All section references are to the Business and Professions Code (Code) unless otherwise indicated.

4. Section 2227 of the Code provides that a licensee who is found guilty under the Medical Practice Act may have his or her license revoked, suspended for a period not to exceed one year, placed on probation and required to pay the costs of probation monitoring, or such other action taken in relation to discipline as the Board deems proper.

5. Section 2234 of the Code states:

"The Division of Medical Quality shall take action against any licensee who is charged with unprofessional conduct. In addition to other provisions of this article, unprofessional conduct includes, but is not limited to, the following:

"(a) Violating or attempting to violate, directly or indirectly, assisting in or abetting the violation of, or conspiring to violate any provision of this chapter [Chapter 5, the Medical Practice Act].

"(b) Gross negligence.

"(c) Repeated negligent acts. To be repeated, there must be two or more negligent acts or omissions. An initial negligent act or omission followed by a separate and distinct departure from the applicable standard of care shall constitute repeated negligent acts.

"(1) An initial negligent diagnosis followed by an act or omission medically appropriate for that negligent diagnosis of the patient shall constitute a single negligent act.

"(2) When the standard of care requires a change in the diagnosis, act, or omission that constitutes the negligent act described in paragraph (1), including, but not limited to, a reevaluation of the diagnosis or a change in treatment, and the licensee's conduct departs from the applicable standard of care, each departure constitutes a separate and distinct breach of the standard of care.

"(d) Incompetence.

1           “(e) The commission of any act involving dishonesty or corruption which is  
2 substantially related to the qualifications, functions, or duties of a physician and surgeon.

3           “(f) Any action or conduct which would have warranted the denial of a certificate.”

4       6.     Section 2238 of the Code states, in pertinent part:

5           “A violation of any federal statute or federal regulation or any of the statutes or  
6 regulations of this state regulating dangerous drugs or controlled substances constitutes  
7 unprofessional conduct.”

8       7.     Section 2239 of the Code states:

9           “(a) The use or prescribing for or administering to himself or herself, of any  
10 controlled substance; or the use of any of the dangerous drugs specified in Section 4022, or  
11 of alcoholic beverages, to the extent, or in such a manner as to be dangerous or injurious to  
12 the licensee, or to any other person or to the public, or to the extent that such use impairs  
13 the ability of the licensee to practice medicine safely or more than one misdemeanor or any  
14 felony involving the use, consumption, or self-administration of any of the substances  
15 referred to in this section, or any combination thereof, constitutes unprofessional conduct.  
16 The record of the conviction is conclusive evidence of such unprofessional conduct.

17           “...”

18       8.     Section 2242 of the Code states, in pertinent part:

19           “(a) Prescribing, dispensing, or furnishing dangerous drugs as defined in Section  
20 4022 without an appropriate prior examination and a medical indication, constitutes  
21 unprofessional conduct. ...”

22       9.     Section 2266 of the Code states:

23           “The failure of a physician and surgeon to maintain adequate and accurate records  
24 relating to the provision of services to their patients constitutes unprofessional conduct.”

25       10.    Health and Safety Code section 11157 states:

26           “No person shall issue a prescription that is false or fictitious in any respect.”

27       11.    Health and Safety Code section 11170 states:

28           “No person shall prescribe, administer, or furnish a controlled substance for himself.”

## FACTUAL ALLEGATIONS

12. On or about September 14, 2010, Respondent was interviewed by an investigator of the Board and made several statements, including the following.

A. Respondent started using opiates when he was a third year medical student. He graduated from the University of California at San Francisco Medical School in 1979. Respondent had previously participated in the Board's diversion program. For the past several years, Respondent has had an opiate addiction habit. He started using opiate drugs again, on a daily basis, at some point around 2000 to 2004. His use amounted to approximately 80 milligrams of Oxycotin<sup>2</sup> twice a day and about 16 milligrams of Dilaudid<sup>3</sup> twice a day. He stated that he had last used drugs eleven months and 4 days prior to the date of the interview, and was currently in a drug rehabilitation program. He had been in that program since February 2010.

B. Respondent admitted to prescribing drugs, including controlled substances, to his patient, N.D.,<sup>4</sup> as her treating doctor. Respondent further admitted that, in the past, he personally ingested approximately one-half the opiate prescriptions he prescribed to N.D. This habit went on for approximately seven years. Furthermore, Respondent admitted to ingesting some of N.D.'s Bupropion,<sup>5</sup> which he prescribed for N.D., because Respondent also suffers from depression, but did not have medical insurance of his own to pay for the drug. Respondent also admitted that his medical records for N.D. were incomplete.

C. Respondent prescribed the following medication to himself: lozartan, Simvastatin, Tamsulosin, Cetirizine and Naproxen.<sup>6</sup> He denied currently using any

<sup>2</sup> Oxycodone, is an opiate and is defined in Health and Safety Code section 11055, subdivision (b) (1) (N), as a Schedule II controlled substance. It is marketed, in its varying forms, under a number of trademarks, including OxyContin.

<sup>3</sup> Hydromorphone, is an opiate and is defined in Health and Safety Code section 11055, subdivision (b) (1) (K), as a Schedule II controlled substance. It is marketed, in its varying forms, under a number of trademarks, including Dilaudid.

<sup>4</sup> Initials are used herein to protect patient privacy. Upon an appropriate request for discovery by the Respondent, the names of all individuals described herein will be provided to the Respondent or his counsel.

<sup>5</sup> A prescription drug used to treat depression and assist with smoking cessation.

<sup>6</sup> Each of the following prescriptions drugs have the following uses: lozartan (treats high blood pressure); Simvastatin (treats high cholesterol and triglycerides); Tamsulosin is prescription (continued...)

1 schedule one or schedule two drugs. He stated that he has had numerous problems and pain  
2 with a knee replacement surgery in May of 2006.

3 **FIRST CAUSE FOR DISCIPLINE**

4 (Violation of Drug Laws and Self-Prescribing of Controlled Substances)

5 13. Respondent is subject to disciplinary action under sections 2238, 2239 and 2242 in  
6 that he violated statutes and/or regulations relating to dangerous drugs and/or controlled  
7 substances (viz., sections 11157 and 11170 of the Health and Safety Code), and prescribed  
8 controlled substances to himself. The facts and circumstances alleged in paragraph 12 above are  
9 incorporated here as if fully set forth.

10 **SECOND CAUSE FOR DISCIPLINE**

11 (Inadequate/Inaccurate Record Keeping)

12 14. Respondent is subject to disciplinary action under section 2266, in that he failed to  
13 maintain complete and accurate records of his treatment of patient N.D. The facts and  
14 circumstances alleged in paragraphs 12 and 13 above are incorporated here as if fully set forth.

15 **THIRD CAUSE FOR DISCIPLINE**

16 (Unprofessional Conduct)

17 15. Respondent is subject to disciplinary action under section 2234 of the Code in that he  
18 has engaged in general unprofessional conduct. The facts and circumstances alleged in paragraph  
19 12, 13 and 14 above are incorporated here as if fully set forth.

20 **PRAYER**

21 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
22 and that following the hearing, the Medical Board of California issue a decision:

23 1. Revoking or suspending Physician's and Surgeon's Certificate Number G 43528,  
24 issued to George Tardelli, M.D.;

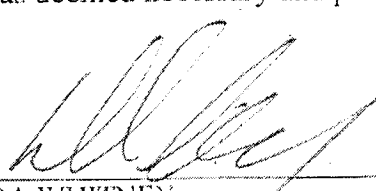
25 2. Revoking, suspending or denying approval of his authority to supervise physician's  
26 assistants, pursuant to section 3527 of the Code;

27 (treats symptoms of an enlarged prostate); Cetirizine (an anti-histamine); naproxen (a muscle  
28 relaxant) relieves pain, tenderness, swelling, and stiffness caused by osteoarthritis).

1           3     Ordering him, if placed on probation, to pay the Medical Board of California the costs  
2 of probation monitoring;

3           4.     Taking such other and further action as deemed necessary and proper.

4  
5 DATED: December 29, 2010

  
LINDA WHITNEY  
Executive Director  
Medical Board of California  
Department of Consumer Affairs  
State of California  
*Complainant*

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